

Appl. No. 09/674,347
Amdt. dated Jun. 27, 2005
Reply to Office Action of Jan. 25, 2005

REMARKS/ARGUMENTS

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application is obvious under the provisions of 35 USC §§ 102 and 103. Thus, the Applicants believe that all of these claims are now in allowable form.

If the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, the Examiner is urged to telephone Alberta A. Vitale, Registration No. 41,520, at (203) 469-8097 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Specification Amendments

Applicants have amended the specification. It is noted that in the specification the erroneous shown symbol û should be a hyphen "--" or minus sign. Support for the amendment follows unequivocally from page 6 of the PCT application which states "in other words, the inverse of the difference of the arrival and send times of two consecutive cells". It is further noted that by previous amendment, the list of references has been deleted, however the corresponding reference numbers [1], [2], [3] and [4] remained in the specification. Applicants amended the specification herein to delete the remaining reference numbers. On page 4, line 10 the wording "the networks

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"commits" contain a typographical error; Applicants have amended the specification to correct the error.

Applicants are submitting a substitute specification, including the claims and abstract. The substitute specification includes no new matter. **Appendix A** includes a marked-up version of the substitute specification showing all the changes (including additions and deletions) to the specification of record. A clean substitute specification as required by 37 CFR § 1.125(c) is also included in **Appendix B**.

Drawing Amendments

The Office action states that "[t]he drawings are objected to because the numbered parts should have a descriptive label." (Office action, page 2). The application has only one drawing sheet which contains Figure 1. Applicants amended Figure 1 to include "descriptive label[s]" corresponding to the Detailed Description at pages 8 to 10 of the specification. A Replacement Sheet and Annotated Sheet Showing Changes is included in **Appendix C**.

Rejections under 35 U.S.C. §§ 102 and 103

The Office action has rejected claims 7, 8 and 11 under the provisions of 35 USC § 102 as being anticipated over the teachings in the Corneliusen patent (United States patent 6,819,672 issued to Knut S.B. Corneliusen on

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November 16, 2004 (hereinafter Corneliusen)). This rejection is respectfully traversed.

The Office action has rejected claims 9, 10, 12 and 13 under the provisions of 35 USC § 103 as being obvious over the teachings in Corneliusen taken in view of the Saari patent (United States patent 6,338,046 issued to Saari et al. on January 8, 2002 (hereinafter Saari)). This rejection is respectfully traversed.

For prosecution efficiency, Applicants will address the § 102 rejection as it applies to independent claim 7 from which claims 8 and 11 depend.

a. Claim 7

Claim 7 recites:

System for charging, in a packet based telecommunication network, the packet load per connection, characterized by a measuring device (2) for measuring the time period (t) between a set number (N) of received or transmitted packets belonging to the same connection.

Corneliusen discloses "a method for calculating the duration of a connection . . . in a packet switched network [in order] to determine a charge for the connection based upon time [duration] and volume [amount of data] of the connection." (Abstract). To this end, Corneliusen

uses a timer which measures the time that has lapsed between the arrival of the first data packet and the arrival of the "last" data packet. (Col. 3, lines 30-32); "This timer counter provides the time between the first and last arrived packet."). It is clear that this "last" data packet is the most recent data packet to arrive: in the diagram of Fig. 4, this "last" data "packet m" is the data packet which arrived immediately prior to the "duration request s". Figure 4 (drawing Sheet 2 of 4) is reproduced below for convenience:

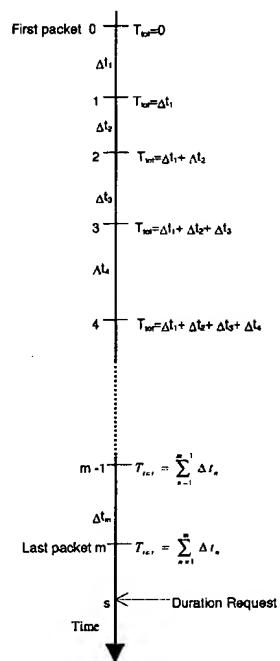


FIG.4

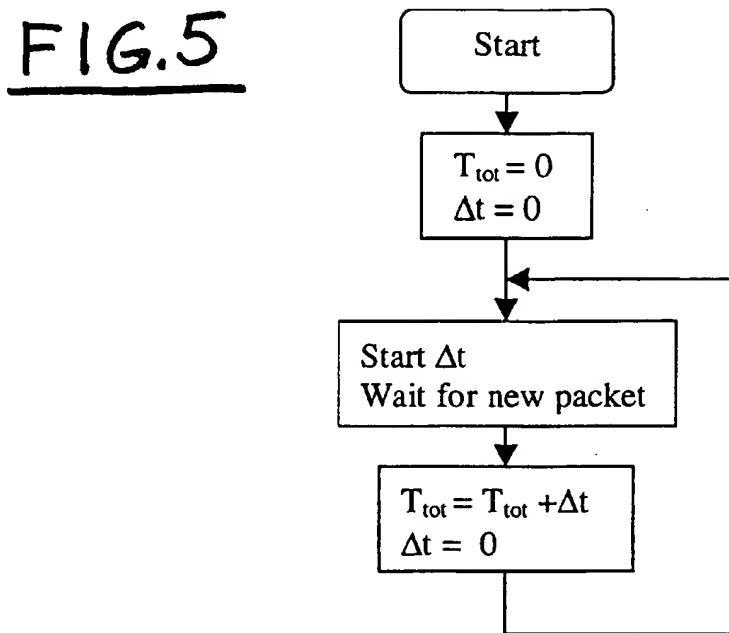
In other words, the "last" data "packet m" is the latest data packet to arrive, but not necessarily the last data packet of the connection. This is further illustrated by Corneliusen Fig. 5 (drawing Sheet 3; reproduced below for

convenience), where the step "[w]ait for new packet" is carried out for an indefinite amount of time, the timer merely reflects the amount of time that has lapsed between the first data packet and the most recent data packet. Hence " Δt will operate as . . . measuring the time between successively arriving packets." (Col. 4, lines 6-8).

In the method of Corneliusen, therefore, the number "m" of data packets is not known beforehand. Nowhere does Corneliusen state that this number is a predetermined number, on the contrary, "m is the number of arrived packets" (col. 3, line 56), and is clearly determined by counting the number of packets.

In contrast, the method of independent claim 7 of the present invention states that "the time period (t) between a set number (N) of received or transmitted data packets" is measured. In other words, the number N used in the present invention is predetermined, as is indicated on page 8, line 26 (substitute specification): "a fixed number of cells N." Accordingly, in the present invention the number of data packets involved in the measurement is determined beforehand, and the time period measured is therefore the time period necessary for this number of data packets to arrive. While with Corneliusen's method the measurement continues indefinitely, as illustrated by the infinite loop of Fig. 5, reproduced as follows:

FIG.5

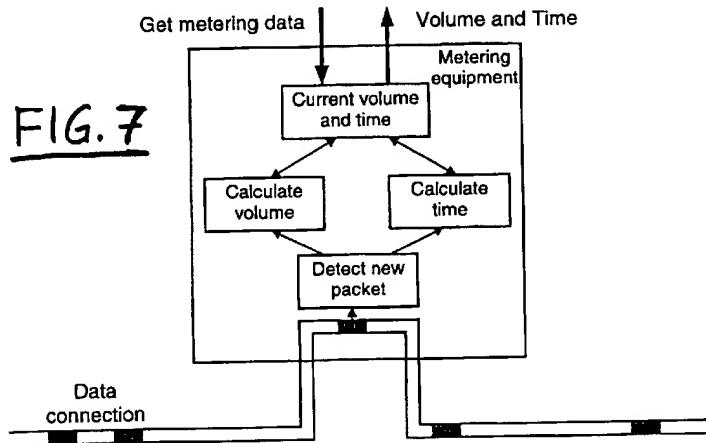


Thus, with Corneliusen, only a current duration can be provided, whereas Applicants' invention provides both duration and volume, as the number of data packets is known.

b. Claim 8

Further, Applicants' invention also allows the ratio of volume and time to be calculated, as claimed in dependent claim 8. Applicants note that Corneliusen fails to disclose the features of claim 8. In particular, Corneliusen does not disclose or suggest to "calculating the number of packets per said period of time (t)". Although Fig. 7 (reproduced below for convenience) discloses a unit "Calculate Time" and a unit "Calculate

Volume", nowhere in Corneliusen is there any teaching or suggestion that the **ratio of volume and time can be**



calculated (claim 8 states: "number of packets per said period of time (t)"). On the contrary, the top unit in Corneliusen Fig. 7 is labelled "Calculate volume and time", so both volume data and time data are transmitted, not their ratio. It is further noted that Corneliusen fails to disclose how the volume is calculated, as can clearly be seen from the "Calculate Volume" box of Fig. 7.

c. Claim 11

Similarly, Corneliusen fails to disclose or suggest the features of claim 11 which stats "aggregating the calculation result (r)" since Corneliusen does not calculate a ratio, and therefore Corneliusen does not calculate aggregated ratio either.

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d. Claims 7, 8, 9, 10, 11, 12 and 13

For all of the above stated reasons, claim 7 is both novel and non-obvious over Corneliusen and Saari, individually or in combination. Furthermore, claims 8, 9, 10, 11, 12 and 13, which depend directly or indirectly from claim 7, are also novel and non-obvious.

Conclusion

Thus, the Applicants submit that none of the claims, presently in the application, is anticipated under the provisions of 35 USC § 102 or obvious under the provisions of 35 USC § 103.

Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,



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Amendments to the Drawings:

The attached drawing sheet includes changes to Fig. 1. This sheet, which includes only Fig. 1, replaces the original sheet including Fig. 1. In Fig. 1, descriptive labels have been added to the number parts.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes





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APPENDIX C

